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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,344	01/21/2004	Tzong-Feng Chen	66307-007	9779
65358 WPAT, PC 7225 BEVERLY ST. ANNANDALE, VA 22003	7590 07/16/2008		<div>EXAMINER</div> <div>KEEFE, MICHAEL E</div>	
			<div>ART UNIT</div> <div>2154</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>07/16/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,344

Applicant(s)

CHEN, TZONG-FENG

Examiner

MICHAEL E. KEEFER

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 4/9/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramfelt et al. (US 6108338), hereafter Ramfelt.

Regarding **claim 1**, Ramfelt discloses:

A method of optimizing packet flow in a ring stackable network architecture, comprising:

implementing in a ring network including a plurality of switches; (See Fig. 1, which shows a ring network with a plurality of switches.)

setting a plurality of interruption points each at a location farthest from a unique one of the switches; dividing a packet output path of each switch into two different transfer paths; (See Col. 7 line 61 - Col. 8 line 11. Since the calculation to determine whether to send packets along the counter clockwise or clockwise path is made by determining which path is shorter, an "interruption" point is created at the midpoint of each segment. There are clearly two different transfer paths, one is clockwise and one is counter clockwise.)

selecting either transfer path based on an initialization when one of the switches is about to send a packet to the other switch; and (Col. 7 line 61 - Col. 8 line 11)

sending the packet from one switch to the other switch along the selected transfer path, thereby achieving purposes of optimizing flow and fully utilizing available bandwidth. (Col. 7 line 61 - Col. 8 line 11)

Regarding **claim 2**, Ramfelt discloses:

wherein each switch comprises a first stacking port and a second stacking port. (see Fig. 1, each node contains at least a first and second port to each path.)

Regarding **claim 3**, Ramfelt discloses:

wherein with respect to the packet output path of each switch one transfer path is set as a first transfer path and the other transfer path is set as a second transfer path prior to the initialization, removing one switch, or adding a switch. (One of the rings is set as one direction, and one of the rings is set as an opposite direction prior to initialization. (See abstract))

Regarding **claim 4**, Ramfelt discloses:

wherein the first transfer path is coupled to the first stacking port and the second transfer path is coupled to the second stacking port. (One ring is coupled to one output port, and the other ring is coupled to the second output port. (See Fig. 1))

Regarding **claim 5**, Ramfelt discloses:

wherein a correct one of the first and second stacking ports is selected for a packet based on the initialization when a first computer coupled to one switch is about

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to send the packet to a second computer coupled to the other switch. (Col. 7 line 61 - Col. 8 line 11)

Regarding **claim 6**, Ramfelt discloses:

wherein each switch comprises a path determination software or chip so that when a first computer coupled to one switch is about to send a packet to a second computer coupled to the other switch, the path determination software or chip is adapted to compare and select a correct one of the first and second stacking ports and a correct one of the transfer paths based on a destination of the packet prior to transfer. (Col. 7 line 61 - Col. 8 line 11)

Response to Arguments

4. Applicant's arguments filed 4/9/2008 have been fully considered but they are not persuasive.

Applicant argues that Ramfelt does not disclose a single ring network. This limitation is not found in the claims.

Further, Applicant argues that Ramfelt does not disclose setting an interruption point, dividing the path, and selecting the path. The Examiner is interpreting "interruption point" as a point which is the furthest part of the network. Since Ramfelt determines the shorter distance based on the location of the ring, it meets the limitations of claim 1. In Ramfelt, the ring is divided into an outer and inner ring path, then it is chosen which to use based off of the "interruption point" as described above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 7/14/2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146